

Introduced by Senator McClintockFebruary 21, 2008

An act to amend Section 25982 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1493, as introduced, McClintock. Energy: solar shade.

Existing law prohibits a person owning or in control of a property to allow a tree or shrub to be placed or to grow on the property subsequent to the installation of a solar collector on a property of another if the tree or shrub casts a shadow of a specified size on the collector absorption area during specified times. Existing law exempts trees and shrubs which at the time of installation of a solar collector or during the remainder of that annual solar cycle cast a shadow upon the solar collector.

This bill would, instead, exempt trees and shrubs that were planted prior to the installation of a solar collector that may potentially or would eventually grow to cast a shadow upon a subsequently installed solar collector on the property of another.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25982 of the Public Resources Code is
- 2 amended to read:
- 3 25982. ~~After January 1, 1979, no~~ (a) A person owning, or in
- 4 control of a property shall *not* allow a tree or shrub to be placed,
- 5 or, if placed, to grow on ~~such~~ *the* property, subsequent to the

1 installation of a solar collector on the property of another so as to
2 cast a shadow greater than 10 percent of the collector absorption
3 area upon that solar collector surface on the property of another
4 at any one time between the hours of 10 a.m. and 2 p.m., local
5 standard time; ~~provided, that this.~~ *This section shall not apply to*
6 ~~specific trees and shrubs which at~~ *planted prior to the time of*
7 ~~installation of a solar collector or during the remainder of that~~
8 ~~annual solar cycle cast a shadow upon that solar collector~~ *that may*
9 *potentially or would eventually grow to cast a shadow upon a*
10 *subsequently installed solar collector on the property of another.*
11 For the purposes of this chapter, the location of a solar collector
12 is required to comply with the local building and setback
13 regulations, and to be set back not less than five feet from the
14 property line, and no less than 10 feet above the ground. A collector
15 may be less than 10 feet in height, only if in addition to the five
16 feet setback, the collector is set back three times the amount
17 lowered.